

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Defendants.

Judge: Hon. Jeffrey S. White
Hearing Date: None

On August 23, 2011, the United States filed *United States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding indictment in said action. *Id.* at Docket # 64.

DuPont's Position: The superseding indictment alleges that defendant Walter Liew, his wife, Christina Liew, and several other defendants violated multiple federal trade secret and economic espionage laws when they stole – and utilized – the trade secrets at issue in this action. *Inter alia*, Mr. Liew is charged with Conspiracy to Commit Economic Espionage, Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets, Conveying Trade Secrets, Witness Tampering, and False Statements. *See id.* ¶¶ 16-97. In addition, the superseding indictment identifies five DuPont trade secrets relating to its TiO₂ technology at issue in the criminal action. *Id.* ¶ 14.

USAPT's Position: Defendants believe that the superseding indictment speaks for itself, and no further explanation or commentary is appropriate or needed.

On September 7, 2011, this Court issued an Order relating the criminal proceeding with this action, pursuant to its determination that this action and the criminal proceeding are related within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

On September 23, 2011, the parties filed a joint status report requesting that the stay initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket # 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)

On November 23, 2011, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties' request on November 29, 2011. (Docket # 48.)

On January 24, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 49.) The Court granted the parties' request on January 31, 2012. (Docket # 50.)

On March 26, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties' request on March 27, 2012. (Docket # 52.)

¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in this action are Walter Liew and his company, USA Performance Technology Inc.

On May 23, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties' request on May 23, 2012. (Docket # 54).

On July 23, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on July 24, 2012. (Docket # 56).

On September 21, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties' request later that day. (Docket # 58).

On November 20, 2012, the parties filed an additional joint status report requesting that the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties' request later that day. (Docket # 60).

The undersigned counsel request that the stay remain in place for an additional 60 days, at which time the parties will update the Court.

Dated: January 18, 2013

GLYNN & FINLEY, LLP
CLEMENT L. GLYNN
MORGAN K. LOPEZ
JONATHAN A. ELDREDGE
One Walnut Creek Center
100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596

By /s/ Morgan K. Lopez
Attorneys for Plaintiff

Dated: January 18, 2013

MOUNT & STOELKER, P.C.
DANIEL S. MOUNT
ON LU
KEVIN M. PASQUINELLI
RiverPark Tower, Suite 1650
333 West San Carlos Street
San Jose, CA 95110-2740

By /s/ Daniel S. Mount
Attorneys for Defendants USA Performance
Technology, Inc., and Walter Liew

~~[PROPOSED]~~ ORDER

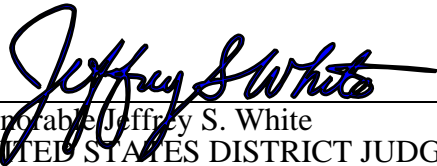
Having read and considered the Joint Status Report,

IT IS ORDERED THAT:

The parties' request that the stay be extended until March 26, 2013 is hereby GRANTED.

Counsel shall submit a joint status report on or before March 19, 2013.

January 18, 2013



Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE